

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 381

CASE NO. 81-20

September 13, 1982

Pursuant to Notice, a public hearing of the District of Columbia Zoning Commission was held April 26 and June 7, 1982. At those hearing sessions the District of Columbia Zoning Commission considered an application from the District of Columbia Department of Housing and Community Development (DHCD) to amend the D.C. Zoning Map. This hearing was conducted in accordance with the provisions of Chapter 6 of the Rules of Practice and Procedure before the Zoning Commission.

FINDINGS OF FACT

1. The application requests a change of zoning from R-4 and C-2-A to C-2-C for Lots 48, 63-73, 75-78, 92-96, 98-102, 142-144, 146, 147, 161-163, 166, 173, 174, 176, 800-804, 807, 808, 815, 816, 818, 821-823, 827-829, 831 and public alleys to be closed in Square 859 bounded by 6th, 7th and H Streets, N.E. The applicant proposes to construct a mixed-use development including residential, office, retail, and service commercial uses.
2. The subject site is located along the south side of H Street between 6th and 7th Streets, N.E. It is identified as Parcel 18 in the H Street Urban Renewal Area and comprises approximately 2.55 acres or 110,650 square feet.
3. The R-4 District permits matter-of-right development of residential uses, including detached, semi-detached and row single family dwellings and flats, with a minimum lot area of 1800 square feet, a minimum lot width of eighteen feet, a maximum lot occupancy of sixty percent, a maximum height limit of three stories/forty feet and conversions to apartments with a minimum lot area of 900 square feet per dwelling unit.
4. The C-2-A District permits community business centers,

to a maximum floor area ratio (FAR) of 2.5 with a non-residential use limited to 1.5 FAR, a maximum height of fifty feet and a maximum lot occupancy of sixty percent for residential uses,

5. The C-2-C District permits community business uses to a maximum height of ninety feet, a maximum FAR of 6.0 with non-residential uses limited to 2.0 FAR, and a maximum lot occupancy of eighty percent for residential uses.
6. The site comprises a major portion of Square 859 and excludes the existing row houses along 6th, G and 7th Streets, which are zoned R-4. The subject site is zoned C-2-A with the exception of Lot 818 facing 7th Street which is zoned R-4. The site is presently improved with many vacant, boarded-up structures in various stages of disrepair, which are to be demolished for new development.
7. To the north of the subject site and across H Street is C-2-A and R-4 zoning. To the east of the subject site and across 7th Street is C-2-A and R-4 zoning. To the south of the subject site is R-4 zoning. To the west of the site and across 6th Street is C-2-A and R-4.
8. The predominant use to the southwest, south, and southeast of the subject site is residential. To the north of the subject site and to the east and west are many commercial uses along the H Street Corridor.
9. The applicant proposes to construct a mixed-use development including ninety-six dwelling units, 30,000 square feet of office space and 115,000 square feet of neighborhood shopping including a one-story bank building and clinic, a junior department store, a restaurant and general commercial space. The height of the development will not exceed eighty-feet and on-site and garage parking will be provided to accommodate 281 cars. The development as proposed will be controlled by the Urban Renewal Plan.
10. The development will have three towers on a common two story base. The two story base would consist of a lobby and elevator access plus commercial and community space including a clinic, community room and a major retail facility. It is proposed that the eastern tower would have residential apartments, and the western and middle towers would contain offices. At the northwestern corner of the site, a free standing two-story bank building with a drive-in teller is proposed. In addition to these uses surface parking for seventy-two cars and underground garage parking for 209 cars will also be provided. It is intended that

the residential tower at the corner of H and 7th Streets will have six stories above the two story base. It will be eighty feet high and contain ninety-six residential units including forty-eight efficiencies and forty-eight one-bedroom units. The proposed housing will be market rate.

11. The H Street Urban Renewal Plan for the Special Community Street from 2nd Street to 15th Street N.E. provides for a maximum Floor Area Ratio of 2.0, a maximum building height of ninety feet and lot occupancy of seventy-five percent. The objective of this designation is to create an active multi-use, pedestrian-oriented strip linking together concentrations of community services, shopping facilities and housing. The subject site is the last large redevelopment parcel suitable for mixed use development of sufficient size to form a significant activity center for the Special Community Street.
12. The Department of Housing and Community Development has designated the SUCA Development Corporation as the sponsors for the proposed mixed use development on this site. SUCA is a locally organized development corporation made up of businessmen from the H Street corridor.
13. The development permitted under the Urban Renewal Plan and proposed to be constructed by the applicant could not be accomplished under the existing C-2-A and R-4 zoning, because the permitted height is not great enough.
14. The proposed development is consistent with the Urban Renewal Plan and is a major component of the implementation of that plan.
15. The eighty foot height is essential to the design and feasibility of the development. Without that height on the northern portion of the site, the project with the mix of uses as proposed would not proceed, the implementation of the plan would be delayed and the District's efforts to provide increased commercial and residential development in the H Street corridor would be hampered.
16. The Office of Planning and Development (OPD) by memorandum dated April 16, 1982 and by testimony presented at the public hearing recommended approval of the map change from C-2-A to C-2-C as requested by the Department of Housing and Community Development. The OPD stated that the

proposed development was "designed to ameliorate the shopping and housing needs in the surrounding community."

17. The Department of Environmental Services (DES) reported through the Office of Planning and Development that the proposed map change of the subject property will have a minimum impact on the water and sewer systems. However, since Square 859 is located in a combined sewer area, DES recommended that the storm water management measurements be included in the design of the proposed development. That recommendation can be accomplished by coordination between the applicant and DES.
18. The Department of Transportation (DCDOT) by memorandum dated April 23, 1982, reported that no measurable adverse impact will be imposed by this development on the surrounding street system. The DOT did recommend that a provision for a minimum of one parking space per dwelling unit be made in the proposed development, and that the H Street Urban Renewal Plan be amended to allow curb cuts on H Street to prevent additional traffic from being forced onto the more narrow residential streets in future developments. Those recommendations can be accomplished by coordination between the applicant and DCDOT.
19. Advisory Neighborhood Commission 2C did not submit a written report in this case.
20. Charles Richardson, representing the Economic Development Committee of ANC 2C opposed the proposal due to a lack of information.
21. Stanley B. Barry, Executive Director of the H Street Project Area Committee testified that the H Street PAC is in support of the proposed map change.
22. Seven citizens witnesses testified in support of the application. The reasons for their support were the upgrading of shopping facilities, additional housing, potential benefits to the present and future businesses in the area, and convenience to the surrounding community.
23. Six citizen witnesses testified in opposition to the application. The reasons for their opposition were related to their view that the height and the bulk of the proposed development would be excessive in comparison with the surrounding area

and that the proposed development would create significant traffic and parking problems in the area.

24. Relative to the issues of neighborhood compatibility, density and bulk, the Commission finds that this parcel, the largest of the eight Special Community Street sites as set forth in the H Street Urban Renewal Plan, has the greatest potential for major commercial and residential development and for revitalizing the H Street corridor. The City Council and the National Capital Planning Commission set the legislative policy for development in this area by adoption of the Urban Renewal Plan. The Commission, through the prudent application of the zoning regulations is charged with the implementation of that plan and the task of integrating this much needed development into the fabric of the existing community. The Commission finds that the plan objectives can be achieved and a greater degree of neighborhood protection assured by rezoning to C-2-C only the area closest to H Street. This rezoning pattern would require the placement of the taller building elements within the higher zoned H Street commercial corridor and would leave the lower length and density C-2-A zoning within the interior of the square.
25. The application was referred to the National Capital Planning Commission under the terms of the District of Columbia Self Government and Governmental Reorganization Act. The National Capital Planning Commission reported that the proposed action of the Zoning Commission to approve C-2-C for a portion of the subject site would not adversely affect the Federal Establishment or other Federal interests in the National Capital nor be inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

1. Rezoning to C-2-C as set forth herein is in accordance with the Zoning Act (Act of June 20, 1938, 52 Stat, 797) by furthering the general public welfare and serving to stabilize and improve the area.
2. Rezoning to C-2-C as set forth herein will promote orderly development in conformity with the entirety of the District of Columbia Zoning Plan as embodied in the Zoning

Regulations and Map of the District of
Columbia.

- 3, Rezoning to C-2-C as set forth herein will not have an adverse impact on the surrounding neighborhood.
4. Rezoning to C-2-C as set forth herein is consistent with the H Street Urban Renewal Plan.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Commission hereby orders APPROVAL of the following Action:

Change from R-4 and C-2-A to C-2-C all that property in Square 859, located at and bounded by 6th, 7th, G, and H Streets, N.E., lying north of a line starting at the western right-of-way line of 7th Street at a point that is 132.08 feet south of the right-of-way of H Street; proceeding west 132.08 feet from and parallel to the southern right-of-way line of H Street to a point that is 101.6 feet from 6th Street; proceeding north 101.6 feet from and parallel to the eastern right-of-way line of 6th Street to the centerline of the public alley adjacent to and north of Lot 826; proceeding west along the centerline of the public alley adjacent to and north of Lot 826 to the centerline of the public alley at the rear of Lots 56-58; proceeding north along the centerline of the public alley at the rear of Lots 56-58 to a point 75 feet south of the southern right-of-way line of H Street; and proceeding west 75 feet from and parallel to the southern right-of-way line of H Street to the eastern right-of-way line of 6th Street.

Vote of the Commission at the public meeting held August 9, 1982 as proposed action: 3-0 (Lindsley Williams, George M. White, and Walter B. Lewis, to approve C-2-C - John G. Parsons and Maybelle Bennett, not voting not having participated in the case).

Vote of the Commission at the public meeting of September 13, 1982 as final action: 3-0 (Lindsley Williams and Walter B. Lewis, to adopt as amended, and George M. White, to adopt by absentee vote - Maybelle T. Bennett and John G. Parsons, not voting not having participated in the case).

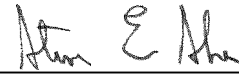
In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission of the District of

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Columbia, this order is final and effective on
SEP 24 1982



WALTER B. LEWIS
Chairman
Zoning Commission



STEVEN E. SHER
Executive Director
Zoning Secretariat

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